

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim 1-16 and 18-28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-16 and 18-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Fukami et al. (US 2002/0080971)

Regarding Claim 1: Fukami et al. discloses a method for providing video on demand playback, comprising: receiving at a VoD player a plurality of program segments, each corresponding to a fractional part of an entire program (**paragraph 0013, 0024 and fig. 8 element 205**); receiving at VoD player a key table containing packet count information corresponding to the number of data packets contained in at least one of program segments (**paragraph 0020-0021**); and identifying an end point of at least one of said plurality of program segments by counting a number of data packets that are decoded for playback (**paragraph 0294-0295**).

Regarding Claim 2: Fukami et al. discloses a method according to claim 1 further comprising the step of counting a number of data packets relative to the beginning of a program segment (**paragraph 0278**).

Regarding Claim 3: Fukami et al. discloses a method according to claim 1 further comprising the step of associating at least one program segment with a unique program identifier (PID) based on information contained in key table (**paragraph 0030**).

Regarding Claim 4: Fukami et al. discloses a method according to claim 1 further comprising the step of receiving and recording at said VoD player at least part of one of said plurality of program segments during the playback by said VoD player of a previous one of said plurality of program segments (**paragraph 10 and 14-15**).

Regarding Claim 5: Fukami et al. discloses the method according to claim 1, further comprising the step of beginning a playback of at least one of plurality of program segments responsive to a determination that a preceding one of plurality of segments in program is approaching end point (**paragraph 020**).

Regarding Claim 6: Fukami et al. discloses a method according to claim 1 further comprising the step of receiving at said VoD player a segment packet count data for one or more of said plurality of program segments, said SPC data identifying a position within a program segment of a received packet containing program segment data (**paragraph 30**).

Regarding Claim 7: Fukami et al. discloses a method according to claim 6, further comprising the SPC data is private data in the adaptation field of the MPEG-2 transport **(paragraph 310).**

Regarding Claim 8: Fukami et al. discloses a method according to claim 6 further comprising the step of monitoring said SPC field of data packets received at said VoD player **(paragraph 20).**

Regarding Claim 9: Fukami et al. discloses a method according to claim 8 further comprising the step of comparing said SPC field data to a number of data packets contained in at least one of said plurality of program segments to identify the occurrence of missing packets **(fig. 10).**

Regarding Claim 10: Fukami et al. discloses a method according to claim 8 further comprising the step of discarding packets received by said VoD player that have SPC field data values corresponding to packets that have already been stored by said VoD player **(fig. 43 element 1512).**

Regarding Claim 11: Fukami et al. discloses a method according to claim 8 further comprising the step of counting a number of data packets received by said VoD player for at least one of said plurality of program segments **(fig. 46).**

Regarding Claim 12: Fukami et al. discloses a method according to claim 11 further comprising the step of determining that a segment has been completely received when a total number of packets received for a segment is equal to a total number of packets for segment as identified by said SPC data in said key table **(fig. 13).**

Regarding Claim 13: Fukami et al. discloses a method according to claim 12 further comprising the step of determining an end of a segment based upon a discontinuity in at least one of a system clock reference field and a presentation time stamp field (**fig. 13**).

Regarding Claim 14: Fukami et al. discloses a method for providing video on demand playback, comprising: defining a plurality of program segments, each corresponding to a fractional part of an entire program (**paragraph 0013 and 0024**); transmitting at least two of said plurality of program segments concurrently, with each program segment separately identifiable based upon a unique packet identifier (**paragraph 0020-0021**); and broadcasting one or more earlier ones of said plurality of segments, that chronologically are intended to precede later segments in program, more frequently than later segments (**paragraph 0027-0028 and 0043**).

Regarding Claim 15: Fukami et al. discloses a method according to claim 14 further comprising the step of broadcasting with at least one of said plurality of program segments a key table containing packet count information corresponding to the number of data packets contained in at least one of said program segments (**paragraph 0030**).

Regarding Claim 16: Fukami et al. discloses a video on demand player comprising: demultiplexor means for demultiplexing a plurality of multiplexed program segments, each having a unique packet identifier and each corresponding to a fractional part of an entire program (**paragraph 0020-0021**); storage means for concurrently storing two or more of said plurality of program segments during a predetermined time period (**paragraph 0020**) and means for receiving and storing a key table containing packet

count information corresponding to a number of data packets contained in at least one of program segments **(paragraph 0020-0021)**.

Regarding Claim 18: Arsenault et al. discloses a VoD player according to claim 16 further comprising means for identifying at least one of a beginning and an end of one or more of plurality of program segments using said packet count information **(fig. 46)**.

Regarding Claim 19: Fukami et al. discloses a VoD player according to claim 16 further comprising means for determining, based on said packet count information, when a complete set of program segment data packets has been received **(paragraph 0020)**.

Regarding Claim 20: Fukami et al. discloses a VoD player according to claim 16 further comprising means for determining a playback order of said plurality of program segments based on said packet count information **(paragraph 0020)**.

Regarding Claim 21: Fukami et al. discloses a VoD player according to claim 20 further comprising means for playing back in order and without interruption a first and all subsequent ones of plurality of program segments **(paragraph 0020)**

Regarding Claim 22: Fukami et al. discloses a VoD player according to claim 16 further comprising means for receiving and storing at least a first program segment corresponding to a beginning portion of said entire program on at least one of a different transponder channel and at a different time as compared to a remainder of said program segments **(paragraph 0020)**.

Regarding Claim 23-24: Claim 23-24 are reject for same subject matter as claims 14-15 respectively.

Regarding Claim 25: Claim 25 is reject for same subject matter as claim 6.

Regarding Claim 26: Claim 27 is reject for same subject matter as claim 7.

Regarding Claim 27: Claim 27 is reject for same subject matter as claim 22.

Regarding Claim 28: Fukami et al. discloses a method according to claim 1, wherein the end point is identified when a count of a number of data packets that are decoded for playback and that correspond to the at least one of said plurality of programs equals the packet count information for the at least one of said program segments (**fig. 46**).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

/Daniel Tekle/
Examiner, Art Unit 2621